THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.25624 of 2007

Dated: 06.12.2007

Between:

A.Chakrapani . .. Petitioner.

And

The Vice Chairman and Managing Director,
A.P., Scheduled Caste Co-operative
Finance Corporation (APSCCFC) Ltd.,
Hyderabad
and another. .. Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.25624 of 2007

ORDER:

This writ petition is filed being aggrieved by the proceedings, dated 31.10.2007, issued by the 2nd respondent, wherein the petitioner, who is working as Deputy Executive Engineer/P.A. to S.E., was suspended from service, pending enquiry into the allegations leveled against him.

2. It is the contention of learned counsel for the petitioner that the 2nd respondent-Superintending Engineer, RWS & Social Welfare has no jurisdiction to suspend the petitioner from service, as the 1st respondent alone is competent to pass such suspension orders. In this regard, learned counsel for the petitioner has drawn attention of the Court to Rule 4 of the Service Rules for the Technical Staff of the Engineering Wing of A.P.Scheduled Castes Cooperative Finance Corporation Limited, Hyderabad (in short 'the Rules') showing that the appointing authority for Deputy Executive Engineer/PA to SE is the Managing Director and not the Superintending Engineer. Further, in the annexure to the Rules, under the column amendment in respect to Rule 4 of the Rules, it is made clear that the appointing authority shall be competent in the matter of disciplinary proceedings also.

3. On the other hand, the learned counsel for the respondents stated that even though the impugned proceedings, dated 31.10.2007,

suspending the petitioner from service was issued by the 2nd respondent-Superintending Engineer, instead of the Managing Director, it makes no difference, since the petitioner was working in the office of Superintending Engineer, and the 2nd respondent, being the Head of the Unit, is empowered to take disciplinary action against any employee working under him.

4. I am not in agreement with the contentions put forth by the learned counsel for the respondents. The Rules are very clear as to the appointing authority as well as the disciplinary authority. Since the Managing Director is the appropriate authority to take disciplinary action, the Superintending Engineer ought not to have passed the impugned proceedings suspending the petitioner from service. Thus, on this ground alone, the impugned proceedings, dated 31.10.2007, is liable to be set aside.

5. Accordingly, writ petition is allowed setting aside the impugned proceedings, dated 31.10.2007. However, it is made clear that it is always open for the competent authority to keep the petitioner under suspension if necessary as per law. No order as to costs.

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(C.V.RAMULU,J)

Dt.06.12.2007

Note: Furnish CC in three days

B/o

v v